

393A.660 Informal conference.

- (1) Not later than thirty (30) days after receipt of a notice under KRS 393A.650, the putative holder may request an informal conference with the administrator to review the determination. Except as otherwise provided in this section, the administrator may designate an employee to act on behalf of the administrator.
- (2) If a putative holder makes a timely request under subsection (1) of this section for an informal conference:
 - (a) Not later than twenty (20) days after the date of the request, the administrator shall set the time and place of the conference;
 - (b) The administrator shall give the putative holder notice in a record of the time and place of the conference;
 - (c) The conference may be held in person, by telephone, or by electronic means, as determined by the administrator;
 - (d) The request tolls the ninety (90) day period under KRS 393A.680 and 393A.690 until notice of a decision under paragraph (g) of this subsection has been given to the putative holder or the putative holder withdraws the request for the conference;
 - (e) The conference may be postponed, adjourned, and reconvened as the administrator determines appropriate;
 - (f) The administrator or administrator's designee with the approval of the administrator may modify a determination made under KRS 393A.650 or withdraw it; and
 - (g) The administrator shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than twenty (20) days after the conference ends.
- (3) A conference under subsection (2) of this section shall not be an administrative remedy and shall not be a contested case subject to KRS Chapter 13B. An oath shall not be required and rules of evidence shall not apply in the conference.
- (4) At a conference under subsection (2) of this section, the putative holder shall be given an opportunity to confer informally with the administrator and the person that examined the records of the putative holder to:
 - (a) Discuss the determination made under KRS 393A.650; and
 - (b) Present any issue concerning the validity of the determination.
- (5) If the administrator fails to act within the period prescribed in subsection (2)(a) or (g) of this section, the failure shall not affect a right of the administrator, except that interest shall not accrue on the amount for which the putative holder was determined to be liable under KRS 393A.650 during the period in which the administrator failed to act until the earlier of:
 - (a) The date under KRS 393A.680 the putative holder initiates administrative review or files an action under KRS 393A.690; or
 - (b) Ninety (90) days after the putative holder received notice of the administrator's determination under KRS 393A.680 if no review was initiated

under KRS 393A.680 and no action was filed under KRS 393A.690.

- (6) The administrator may hold an informal conference with a putative holder about a determination under KRS 393A.650 without a request at any time before the putative holder initiates administrative review under KRS 393A.680 or files an action under KRS 393A.690.
- (7) Interest and penalties under KRS 393A.730 continue to accrue on property not reported, paid, or delivered as required by this chapter after the initiation, and during the pendency, of an informal conference under this section.

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